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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/806,196	03/26/2001	Jean-Michel Traynard	112740-171	3722

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EXAMINER

PHU, SANH D

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/806,196

Applicant(s)

TRAYNARD ET AL.

Examiner

Sanh D Phu

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responsive to the Applicant's Response filed on 7/22/04.

Claim Rejections – 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 11–20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujii et al (5,862,487), previously cited, in view of Bark et al (2002/0077138).

Regarding to claims 11 and 18, see figures 5–9, and col. 5, line 43 to col. 7, line 52, Fujii et al discloses a method (see figure 5) comprising:

step (inherently included) of registration signaling in a signaling channel, from a radio station (6) to base station, (3) during a location registration (see col. 7, lines 44–45), (said registration signaling can considered here as

equivalent as step of signaling a request for a number of transmission channels for communication connections from the radio station to the base station because upon receiving this location registration, the base station then allocates a number of transmission channel connections for the ratio station (see col. 5, lines 50–55 and col. 7, lines 44–52); and

step (inherently included) of receiving said request at the base station; step of signaling, from the ratio station to the base station, additional information about transmission conditions (e.g., field strength, reception levels) of the communication connection in the signaling channel (see col. 5, lines 55–63, col. 6, lines 42–54 and col. 7, lines 34–37).

Fujii et al further discloses step of signaling on a further signaling channel for allocating the requested number of transmission channels to the radio station (see col. 5, lines 50–55 and col. 7, lines 44–52).

Fujii et al does not disclose step of evaluating and using the additional information by the base station for controlling a transmitting power for said further signal channel.

However, it is well-recognized in the art that power control for signal transmissions on communication channels is necessary for avoiding interference among these channels (see Bark et al, section [0002]). Further, transmission power control at a transmitter, based on feedback on the transmission condition from a receiver at the other communication end, is well-known in the art (see Bark et al, section [0006]).

Therefore, it would have been obvious for a person skilled in the art, when building or carrying out Fujii et al invention, to implement step of evaluating and using the additional information on the transmission condition for controlling a transmitting power for said further signal channel in order to avoid interference with other concurrent channels.

Regarding to claim 12, Fujii et al discloses the step (31, 33, 34, 35, 36) (see figure 8) for determining, by the radio station, as additional information a received level for a general signaling channel, sent by the base station with a constant transmitting power (see col. 6, lines 16-19), with general information about the radio communication system (see col. 5, lines 55-63).

Regarding to claim 13, Fujii et al discloses that the radio station determines, as additional information, information on a received levels of channels (see col. 6, lines 35–55).

Regarding to claim 14, Fujii et al discloses the step (figure 5) for performing a subscriber separation according to a TDMA method, a transmission channel being defined by a frequency band, a time slot and a code (see figure 6, and col. 5, line 43–55 and col. 6, lines 6–28).

Regarding to claim 15, Fujii et al discloses the step (see figures 10, 14 and 15) for determining and signaling (down link and uplink signal) to the base station, via the radio station, a respective interference situation in the time slot as additional information (see col. 7, line 53 to col. 9, line 61).

Regarding to claim 16, Fujii et al discloses the step (see figures 10, 11, 14 and 15) for using the additional information by the base station for selecting at least one suitable time slot in which the number of transmission channels is allocated (see figures 10, lines 53–59).

Regarding to claim 17, Fujii et al discloses that the information is transmitted in accordance with a TDD method, the information being

transmitted from the radio station to the base station and from the base station to the radio station separated in time in a frequency (see figures 10, lines 53–59).

Claim 19 is rejected with similar reasons set forth for claims 14, 16 and 17.

Regarding to claim 20, Fujii et al discloses that the base station is part of at least a mobile radio station and a wireless subscriber access system (see figure 5).

Response to Arguments

4. Applicant's arguments with respect to claims 11–20 have been considered but are moot in view of the new ground(s) of rejection as set forth above.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanh D Phu whose telephone number is (703) 305–8635. The examiner can normally be reached on 8:00–16:30.

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The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-8635.

Sanh D. Phu
Examiner
Art Unit 2682

SP


10/1/04
LESTER G. KINCAID
PRIMARY EXAMINER